

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

THE GUARDIAN LIFE
INSURANCE COMPANY OF
AMERICA,

Plaintiff,

v.

LUCILLE SHUE, *et al.*,

Defendants.

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Case No. 3:16-cv-255

JUDGE WALTER H. RICE

DECISION AND ENTRY OVERRULING WITHOUT PREJUDICE MOTION
OF LUCILLE SHUE FOR DEFAULT JUDGMENT (DOC. #16)

Defendant Lucille Shue has filed a Motion for Default Judgment. Doc. #16. Federal Rule of Civil Procedure 55 sets forth a two-step process for obtaining a judgment by default. The clerk must enter the party's default *before* default judgment can be granted.

Shue has not yet applied to the clerk for an entry of default. Accordingly, her Motion for Default Judgment is premature, and is OVERRULED WITHOUT PREJUDICE to re-filing after default has been entered.

Date: September 9, 2016



WALTER H. RICE
UNITED STATES DISTRICT JUDGE